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**FACSIMILE TRANSMISSION**

**DATE:** September 9, 2005

**PLEASE DELIVER THE FOLLOWING 4 PAGE(S) IMMEDIATELY TO:**

Examiner Louis K. Huynh

**BUSINESS:** United States Patent and Trademark Office

**BUSINESS NO.:** 571-272-4462

**FAX NO.:** 571-273-8300

**FROM:** Kenneth F. Florek

**RE:** Ser. No. 10/733,081

**COMMENTS:**

**ORIGINAL [ ] WILL/ [ X ] WILL NOT FOLLOW**

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1278-007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT OPERATION

In re application of:

Peter John Rubie and Alan John Russell

Serial No.: 10/733,081

Group Art Unit: 3721

Filed: December 11, 2003

Examiner: Louis K. Huynh

For: ROCK-BOLTING APPARATUS AND METHOD

New York, NY 10036  
September 9, 2005

VIA FACSIMILE

Commissioner for Patents  
Facsimile No. 571-273-8300

RESPONSE

Sir:

Applicants herein respond to the Office Action dated August 29, 2005 in the above identified patent application.

In the Office Action the Examiner acknowledged applicant's claim of priority on Australian application no. PR5765. However, the Examiner indicated that a certified copy of the priority application was necessary to complete the application before issuance of a patent. Applicant respectfully traverses.

More particularly, the present application is a continuation-in-part of PCT

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below.

Date: September 9, 2005

  
\_\_\_\_\_  
Kenneth F. Florek

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Serial No. 10/733,081

application PCT/AU02/00791 filed on June 18, 2002, as claimed in the present application. This PCT application claimed priority on Australian application no. PR5765 and the WIPO acknowledged receipt of the priority application PR5765 in form PCT/IB/304 (Form 304), copy transmitted herewith.

Under Paragraph 99 of the PCT Applicant's Guide, a copy of which is also transmitted herewith, "provided the applicant has either furnished a certified copy or requested transmittal of a copy and paid the necessary fee as described above, no designated office may ask the applicant himself to furnish a certified copy of the earlier application."

Because the priority document was properly filed in the priority PCT application, applicant urges that a separate certified copy of the priority application is not required in this application.

Favorable consideration, removal of the requirement for filing a certified copy of Australian application PR5675 and grant of a patent on the present application is respectfully requested and earnestly solicited.

Respectfully submitted,



Kenneth F. Florek  
Reg. No. 33,173

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PCT/AU02/00791

## PATENT COOPERATION TREATY

PCT

NOTIFICATION CONCERNING  
SUBMISSION OR TRANSMITTAL  
OF PRIORITY DOCUMENT

(PCT Administrative Instructions, Section 411)

From the INTERNATIONAL BUREAU

To:

HODGKINSON OLD MCINNES  
Level 3  
20 Alfred Street  
Milsons Point, NSW 2061  
AUSTRALIE

Date of mailing (day/month/year) 18 July 2002 (18.07.02)	
Applicant's or agent's file reference 3224G	IMPORTANT NOTIFICATION
International application No. PCT/AU02/00791	International filing date (day/month/year) 18 June 2002 (18.06.02)
International publication date (day/month/year) Not yet published	Priority date (day/month/year) 18 June 2001 (18.06.01)
Applicant RUSSELL MINERAL EQUIPMENT PTY LIMITED et al	

1. The applicant is hereby notified of the date of receipt (except where the letters "NR" appear in the right-hand column) by the International Bureau of the priority document(s) relating to the earlier application(s) indicated below. Unless otherwise indicated by an asterisk appearing next to a date of receipt, or by the letters "NR", in the right-hand column, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).
2. This updates and replaces any previously issued notification concerning submission or transmittal of priority documents.
3. An asterisk(\*) appearing next to a date of receipt, in the right-hand column, denotes a priority document submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b). In such a case, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.
4. The letters "NR" appearing in the right-hand column denote a priority document which was not received by the International Bureau or which the applicant did not request the receiving Office to prepare and transmit to the International Bureau, as provided by Rule 17.1(a) or (b), respectively. In such a case, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

<u>Priority date</u>	<u>Priority application No.</u>	<u>Country or regional Office or PCT receiving Office</u>	<u>Date of receipt of priority document</u>
18 June 2001 (18.06.01)	PR 5765	AU	05 July 2002 (05.07.02)

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 740.14.35 Form PCT/IB/304 (July 1998)	Authorized officer Carine SEVILLANO (Fax 022 338 87 40) Telephone No. (41-22) 338.83.38
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year must be indicated in four digits, in that order and separated by periods, slants or hyphens, for example: "20 March 2004 (20.03.2004) or 20 March 2004 (20/03/2004) or 20 March 2004 (20-03-2004)."

Rule 4.1(c)(ii)  
17.1  
17.2(a)  
Section 411

99. When and to whom must the priority document be furnished? Before the expiration of 16 months from the priority date (or, where the applicant requests early processing pursuant to Article 23(2), before that request is made), a certified copy of the earlier application (whether it is a national, regional or international application) must be submitted by the applicant either to the International Bureau or to the receiving Office (unless it has already been filed with the receiving Office together with the international application); any certified copy that reaches the International Bureau after the expiration of 16 months from the priority date, but before the date of international publication of the international application, will be considered to have reached the International Bureau on the last day of that 16-month period. The copy must be certified by the authority with which the earlier application was filed. Where that authority is the same Office as the receiving Office, the applicant may, instead of submitting the certified copy, request the authority, before the expiration of 16 months from the priority date, to prepare and transmit the certified copy to the International Bureau; in that case, the fee usually charged by the Office should be paid when the request for transmittal is made; the easiest solution for the applicant is to make this request at the time of filing the international application, by marking the check-box provided for the purpose in Box No. VI. The International Bureau notifies the applicant of the date on which the priority document was received. Any designated Office which specifically so requests receives a copy of the priority document from the International Bureau. Provided the applicant has either furnished a certified copy or requested transmittal of a copy and paid the necessary fee as described above, no designated Office may ask the applicant himself to furnish a certified copy of the earlier application. Where neither of those things has been done, any designated Office may disregard the priority claim but only after having first given the applicant an opportunity to furnish the priority document within a time limit which is reasonable under the circumstances. For the obligation of the applicant to furnish a simple (not certified) copy of the priority document to designated Offices (including a copy of the priority certificate), see Volume II.

Rule 17.2(b)

100. For information as to the obtaining of copies of the priority document after international publication, see paragraph 316.

#### Box No. VII: International Searching Authority

Rule 4.1(b)(iv)  
4.14bis

101. Must an applicant indicate a choice of International Searching Authority? Where two or more International Searching Authorities are competent to carry out the international search, the applicant must indicate the Authority chosen in the appropriate space in Box No. VII. For details on which International Searching Authorities are competent, see Annex C and paragraph 268.

Rule 4.1(b)(ii)  
4.11  
16.3  
41.1

102. Why is a reference to an earlier search (if any) needed, and how must a reference to an earlier search be indicated? Certain International Searching Authorities refund part or all of the international search fee where the international search can be based wholly or partly on an earlier search (whether an international, international-type, or other search) made by them (see paragraph 217). For details, see Annex D. Where the earlier search by the International Searching Authority was made in relation to a national, regional or international application, that application (or a translation thereof) must be identified in Box No. VII of the request by an indication of the country of filing (or the regional Patent Office), and the number and filing date of that application. Where the earlier search was made independently of a patent granting procedure (for instance, a standard search by the European Patent Office), a reference must be made to the date of the request for that search and the number given to the request by the International Searching Authority.

#### Box No. VIII: Declarations

102A. What declarations may be referred to in Box No. VIII and included in Boxes Nos. VIII(i) to (v)? The applicant may, for the purposes of the national law applicable in one or more designated States, include one or more of the following declarations under Rule 4.17, using the prescribed standardized wording and presenting them in the relevant Box or Boxes Nos. VIII(i) to (v), which are all optional declaration sheets:

(1 April 2005)